

September 19, 2006 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SR0340

Bobby and Kathy Sprouse

Dale Magisterial District
5632 and 5700 Omo Road

REQUEST: Renewal of Conditional Use (Case 03AN0229) to permit a business (motor vehicle repair) incidental to a dwelling unit.

PROPOSED LAND USE:

In addition to the existing single family residential use, the applicant proposes to continue operating a motor vehicle repair business.

RECOMMENDATION

Recommend denial for the reasons stated herein. However, should approval be considered, Proffered Condition 9 relative to parking lot treatment should not be accepted because it is addressed by the Zoning Ordinance.

- A. The proposed land use does not conform to the Central Area Plan which suggests the property is appropriate for mixed use corridor uses, to include residential and office uses.
- B. The proposed land use is incompatible with existing and anticipated area development.
- C. The business has not operated in compliance with the conditions approved by the Board of Zoning Appeals for the approved Special Exception (Case 03AN0229) relative to landscaping.

- (NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.
- B. IT SHOULD BE NOTED THAT AMENDMENTS TO THE PROFFERED CONDITIONS WERE NOT RECEIVED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOODS(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE AMENDED PROFFERS.)

PROFFERED CONDITIONS

1. This Conditional Use shall be granted to and for Bobby L. Sprouse, Jr. or Katherine Sprouse, exclusively, and shall not be transferable nor run with the land. (P)
2. This Conditional Use shall be limited to the operation of a motor vehicle repair business, excluding body, major engine and transmission repair. (P)
3. No employees, other than family member employees that live on the property, shall be permitted. (P)
4. A maximum of four (4) motor vehicles associated with the repair business shall be parked on the site at any time. (P)
5. Hours of operation shall be limited to between 8:00 a.m. and 5:00 p.m., Monday through Saturday. No Sunday operation shall be permitted. (P)
6. All repair activity and storage of associated materials shall occur inside the existing detached garage located on Tax ID 773-681-3148 and labeled as "New Garage" on the attached plat dated August 10, 1994 as prepared by Robert K. Thomas and Associates. (P)
7. No additions or exterior alterations shall be permitted to the dwelling or accessory buildings to accommodate this use. (P)
8. There shall be no signs identifying this use. (P)
9. All parking areas and drives that accommodate this business shall have a minimum graveled surface of six (6) inches of No. 21 or 21A stone. (P)

10. Landscaping and/or fencing shall be installed to minimize the views of the motor vehicle parking area from the adjacent properties and Omo Road. The exact species, number and spacing of plant material and/or fencing details shall be reviewed and approved by the Planning Department as outlined in Proffered Condition 11. (P)
11. Within thirty (30) days of approval of this request, the applicants shall submit a plan depicting the landscaping and/or fencing requirement noted in Proffered Condition 10 and the parking and driveway areas for review and approval by the Planning Department. In conjunction with this review, a phasing plan for the installation of these improvements shall be reviewed and approved. (P)
12. Within sixty (60) days from the date of the Board of Supervisors' approval of this request, thirty-five (35) feet of right-of-way on the north side of Omo Road, measured from the centerline of the part of Omo Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

GENERAL INFORMATION

Location:

North line of Omo Road, east of Old Zion Hill Road and better known as 5632 and 5700 Omo Road. Tax IDs 773-681-2145 and 3148.

Existing Zoning:

R-7 with Special Exception

Size:

1.4 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North , East, South and West – R-7; Single family residential

UTILITIES

Public Water and Wastewater Systems:

The public water and wastewater systems are not available to serve this site. The closest water line is a twelve (12) inch line along Old Zion Hill Road and the closest wastewater

collector line is along a portion of Old Zion Hill Road, both approximately 850 feet west of this site. While use of public water and wastewater systems is recommended, it is not required by County Code. The existing dwelling is served by a private well and septic systems.

Private Well and Septic Systems:

Use of private wells and septic tanks must be approved by the Health Department.

ENVIRONMENTAL

Drainage and Erosion:

This request will have no impact on these facilities.

PUBLIC FACILITIES

Fire Service:

The Dale Fire Station, Company Number 11, currently provides fire protection and emergency medical service. This request will have a minimal impact fire and EMS.

Transportation:

The proposed business (motor vehicle repair) on the property will have a minimal impact on the existing transportation network.

The Thoroughfare Plan identifies Omo Road as a collector with a recommended right of way width of seventy (70) feet. The applicant has proffered to dedicate thirty-five (35) feet of right of way, measured from the centerline of Omo Road, in accordance with that Plan. (Proffered Condition 12)

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Central Area Plan which suggests the property is appropriate for a mix of office and residential uses.

Area Development Trends:

The area is characterized by residential single family development as part of the Amphill Gardens Subdivision.

Zoning History:

On April 2, 2003, the Board of Zoning Appeals approved a Special Exception for Bobby and Kathy Sprouse to operate a business (motor vehicle repair) incidental to a dwelling unit (Case 03AN0229). Conditions limited the operation to the applicants for a period of three (3) years.

Staff visited the site in the Spring of 2006 and noted that landscaping had not been installed to minimize the views of the repair activity from adjacent properties and Omo Road, as required by conditions of Case 03SN0229. Further, the parking area for vehicles associated with the repair business was not paved in accordance with Ordinance requirements for the parking of more than four (4) vehicles. However, the current proposal would limit the number of vehicles parked on site such that paving would not be required. Proffered Condition 9 requires gravel treatment, but is not necessary because the Ordinance addresses this requirement.

Uses:

Proffered conditions would restrict the operation to a motor vehicle repair business, exclusive of body, major engine, transmission repair, for the applicants only. Further, limitations include the number of vehicles parked on the property that are awaiting servicing and restricting employees to family members that live on the property. (Proffered Conditions 1, 2 and 3)

Hours of Operation:

Proffered Condition 4 would limit the days and hours of this operation.

Site Design:

Proffered Condition 6 would limit the repair activity and the storage of associated materials to within the existing garage, as noted on the attached plat. Proffered Condition 7 would preclude additions and exterior alterations to any structures on the property for this use. No signage would be permitted to identify this use (Proffered Condition 8). Parking areas would be depicted on a plan submitted for staff's approval along with a phasing plan committing to the installation of a minimum graveled surface. (Proffered Conditions 9 and 11)

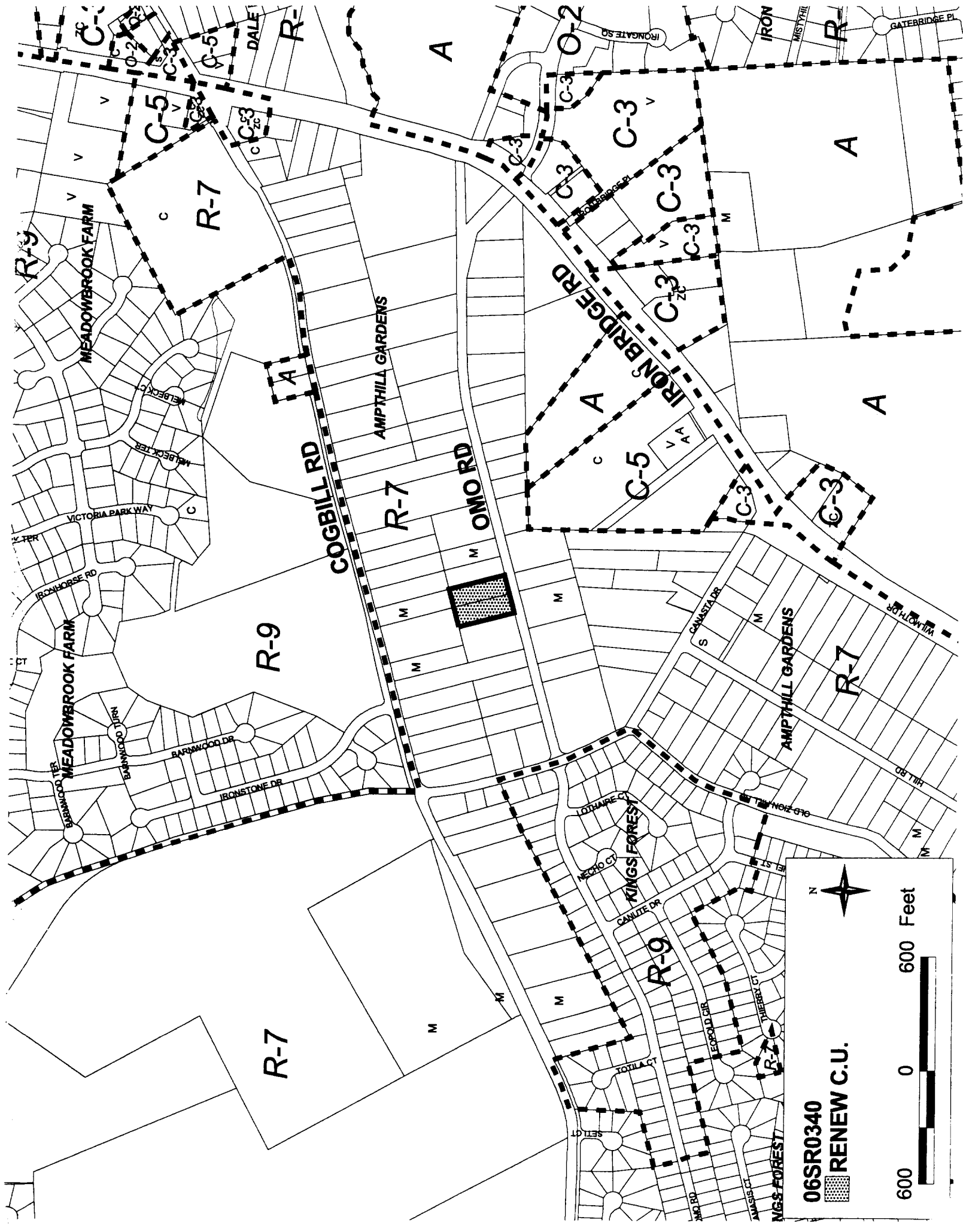
Landscaping and Fencing:

Currently, the existing vehicle parking area can be viewed from Omo Road and the adjacent properties to the east and west. Proffered Condition 10 would require the installation of landscaping and/or fencing material to minimize these views from surrounding directions. Proffered Condition 12 would require the submittal of a plan depicting these improvements along with a phasing plan committing to the installation of this material.

CONCLUSION

The proposed zoning and land uses do not conform to the Central Area Plan which suggests the property is appropriate for office and residential uses. In addition, the proposed zoning and land uses are not representative of, nor compatible with, existing and anticipated area development. Further, the business has not operated in compliance with landscaping conditions of Case 03SN0229.

Given these considerations, denial of this request is recommended. Should the Commission and Board wish to approval this request, Proffered Condition 9 should not be accepted because the Ordinance requires gravel parking areas.

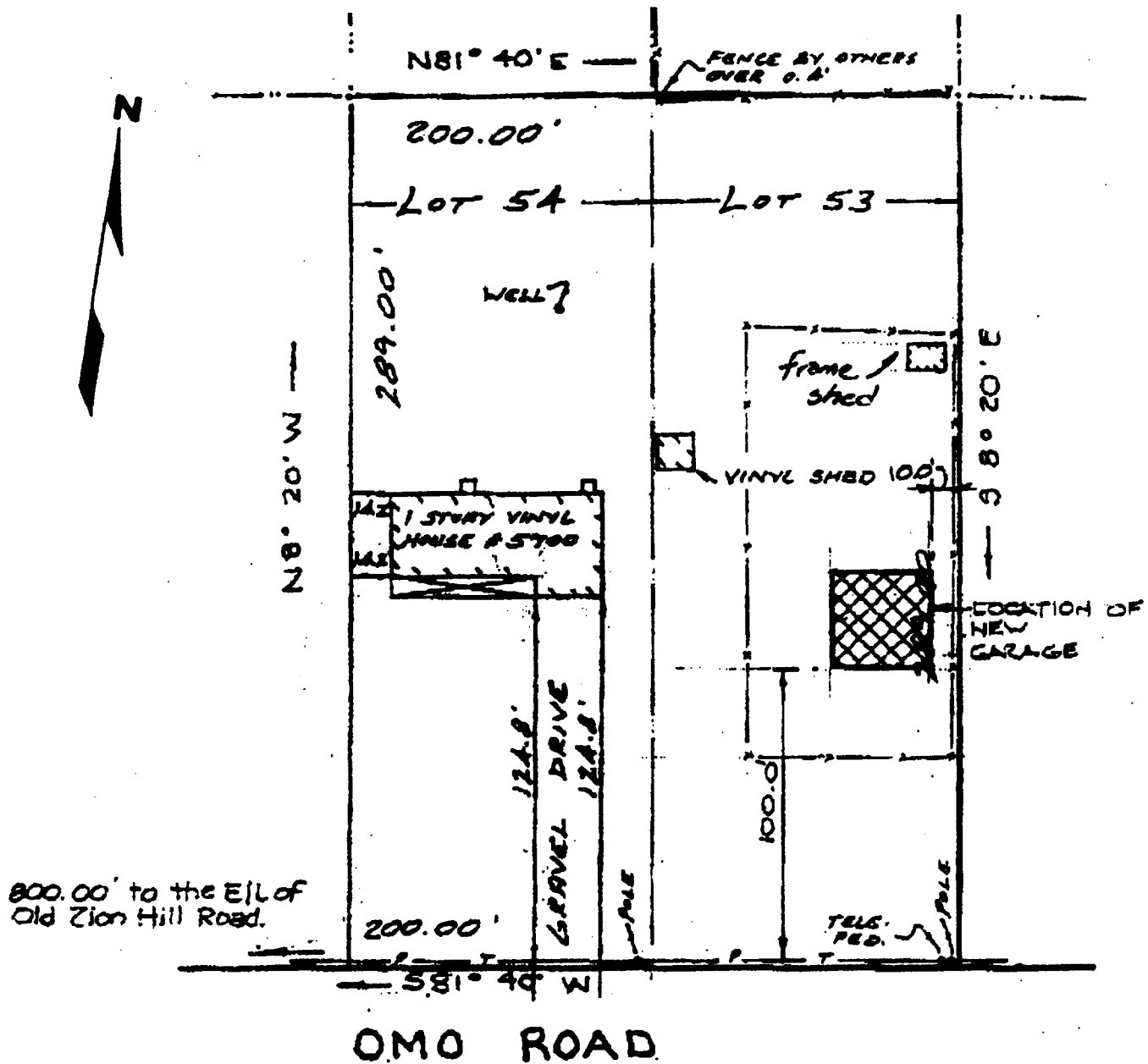


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RENEW C.U.



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